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			L. STORY TO GUETT VIO	CONFIDNALMIONING	
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/544,321	04/06/2000	Brad D. Guthrie	200-0522	7919	
75	90 02/26/2003				
John G Chupa			EXAMINER		
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Farmington Hills, MI 48334			ART UNIT	PAPER NUMBER	
5 ,			3629		
			DATE MAILED: 02/26/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
	09/544,321	GUTHRIE ET AL.			
Office Action Summary	Examiner	Art Unit			
	Michael J Fisher	3629			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address					
Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).					
Status 1)⊠ Responsive to communication(s) filed on <u>16 D</u>	December 2002				
	is action is non-final.				
,		rosecution as to the merits is			
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims					
4)⊠ Claim(s) <u>1-17</u> is/are pending in the application.					
4a) Of the above claim(s) is/are withdrawn from consideration.					
5)⊠ Claim(s) <u>7-17</u> is/are allowed.					
6) ☐ Claim(s) <u>1-6</u> is/are rejected.					
7) Claim(s) is/are objected to.					
8) Claim(s) are subject to restriction and/or election requirement.					
Application Papers					
9) The specification is objected to by the Examiner.					
10) The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
11)☐ The proposed drawing correction filed on is: a)☐ approved b)☐ disapproved by the Examiner.					
If approved, corrected drawings are required in reply to this Office action.					
12) The oath or declaration is objected to by the Examiner.					
Priority under 35 U.S.C. §§ 119 and 120					
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).					
a) ☐ All b) ☐ Some * c) ☐ None of:					
1. Certified copies of the priority documents have been received.					
2. Certified copies of the priority documents have been received in Application No					
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 					
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).					
a) ☐ The translation of the foreign language provisional application has been received. 15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.					
Attachment(s)					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Informal	y (PTO-413) Paper No(s) Patent Application (PTO-152)			

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DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- 1. Determining the scope and contents of the prior art.
- 2. Ascertaining the differences between the prior art and the claims at issue.
- 3. Resolving the level of ordinary skill in the pertinent art.
- Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moh's scale of Mineral Hardness from American Federation of Mineralogical Societies web site (http://www.amfed.org/t_mohs.htm) (Moh).

Moh's scale is a method of determining the relative characteristics of materials when compared to each other. The scale was made in 1812. While Moh did not specifically mention comparing compounds with aluminum, silicate, carbon, manganese, phosphorous, sulfur, silicon, chromium, molybdenum and vanadium, Moh does teach the scale as being useful in testing many materials, of which such a compound would be included. Moh further does not teach using it to purchase items. It

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would have been obvious to one of ordinary skill in the art to use Moh's Scale to

purchase items if it is necessary for them to be of a minimum hardness.

Allowable Subject Matter

Claims 7-17 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art

does not teach using the hardness of items in purchasing dies.

Any comments considered necessary by applicant must be submitted no later

than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on

Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michael J Fisher whose telephone number is 703-306-

5993. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-308-

2168.

February 24, 2003

SUPERVISORY PATENT EXAMINER

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